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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,524	10/23/2001	Hiroto Uchiyama	10830-076001	3974
26211	7590	08/04/2004	EXAMINER	
FISH & RICHARDSON P.C. 45 ROCKEFELLER PLAZA, SUITE 2800 NEW YORK, NY 10111			MANOSKEY, JOSEPH D	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/047,524	UCHIYAMA, HIROTO
	Examiner	Art Unit
	Joseph Manoskey	2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 October 2001.
2a) This action is **FINAL**. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 April 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the permissible value" in line 8. Claim 1 also recites the limitation "the alarm" in line 10. There is insufficient antecedent basis for either of these limitations in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Chun et al., U.S. Patent 6,133,727, hereinafter referred to as "Chun".

7. Referring to claim 1, Chun teaches a tester for semiconductor devices, this is interpreted as an IC tester with an alarm display unit for displaying an alarm when an abnormality occurs in a measured IC (See Col. 1, line 66 to Col. 2, line 6). Chun teaches the unit tester repeatedly testing a candidate device, this is interpreted as a sampling control portion for collecting data in advance for use in deciding a permissible value for issuing an alarm display (See Col. 2, lines 22-29). Chun also discloses computing the mean values and standard deviations, which is interpreted as a permissible value calculation portion for calculating the permissible value on the basis of the data collected by the sampling control portion (See Col. 2, lines 22-29). Finally, Chun teaches determining whether the calculated data is within a required distribution ranged, this is interpreted as an alarm control portion for judging whether the alarm is to be displayed or not, on the basis of the permissible value calculated and a measured value obtained from the measured IC (See Col. 2, lines 22-29).

8. Referring to claim 2, Chun teaches the use of memory for storing previously determined and stored reference data, this interpreted as a sampling memory for storing

the data collected by the sampling control portion, a permissible value memory for storing the permissible value calculated by the permissible value calculation portion, and a measured value memory for storing the measured value obtained from the measured IC (See Col. 2, lines 30-39).

9. Referring to claim 3, Chun teaches the unit tester repeatedly testing a candidate device, this is interpreted as a sampling control portion for collecting data in advance on the number of continuous failures by the measured IC (See Col. 2, lines 22-29). Chun also discloses computing the mean values and standard deviations, which is interpreted as a permissible value calculation portion for calculating a mean value μ and a standard deviation σ and setting a value of $\mu + 3 * \sigma$ (See Col. 2, lines 22-29). Finally, Chun discloses a comparing calculated data with a reference data, this is interpreted as the alarm control portion comparing the value with measured value of the number of continuous failures, and judges whether the alarm is to be displayed or not, on the basis of the comparison (See Col. 2, lines 30-39).

10. Referring to claim 4, Chun teaches the use of memory for storing previously determined and stored reference data, this interpreted as a sampling memory for storing the data on the number of continuous failures, a permissible value memory for storing the value of $\mu + 3 * \sigma$, and a measured value memory for storing the measured value of the number of continuous failures (See Col. 2, lines 30-39).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are examples of closely related testing devices.

U.S. Patent 6,552,526 to Statovici et al.

U.S. Patent 6,615,374 to Moran

U.S. Patent 6,295,623 to Lesmeister et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Manoskey whose telephone number is (703) 308-5466. The examiner can normally be reached on Mon.-Fri. (8am to 4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDM
July 28, 2004



ROBERT BEAUSOLIEL
SUPPLEMENTARY PATENT EXAMINER
TECHNOLOGY CENTER 2100